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By: **Senator Della**

Introduced and read first time: January 21, 2003

Assigned to: Finance

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 23, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Nursing Homes and Assisted Living Facilities - Notice of Violations of Law**  
3 **to Affected Individuals**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to provide  
5 written notice to certain persons, if the Secretary finds that a nursing home or  
6 assisted living facility has violated certain laws and that a resident has been  
7 adversely affected by that violation; requiring the violating nursing home or  
8 assisted living facility to pay for the cost of the notice; requiring that the notice  
9 be provided by the Secretary or, at the discretion of the Secretary, by the nursing  
10 home or assisted living facility that has violated the statutory provision;  
11 requiring the Secretary to prescribe the form of notice; authorizing the Secretary  
12 to adopt certain regulations; and generally relating to notice of a violation of  
13 certain laws by nursing homes and assisted living facilities.

14 BY adding to  
15 Article - Health - General  
16 Section 19-2101 to be under the new subtitle "Subtitle 21. Notice of Violations  
17 by Nursing Homes or Assisted Living Facilities"  
18 Annotated Code of Maryland  
19 (2000 Replacement Volume and 2002 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 SUBTITLE 21. NOTICE OF VIOLATIONS BY NURSING HOMES OR ASSISTED LIVING  
3 FACILITIES.

4 19-2101.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) "ASSISTED LIVING FACILITY" MEANS A RESIDENTIAL FACILITY THAT  
8 PROVIDES AN ASSISTED LIVING PROGRAM AS DEFINED IN § 19-1801 OF THIS TITLE.

9 (3) "NURSING HOME" MEANS A RELATED INSTITUTION AS DEFINED IN §  
10 19-301 OF THIS TITLE.

11 (B) IF THE SECRETARY FINDS THAT A NURSING HOME OR AN ASSISTED  
12 LIVING FACILITY HAS VIOLATED A PROVISION OF THIS ARTICLE AND THAT A  
13 RESIDENT HAS BEEN ADVERSELY AFFECTED BY THE CARE, TREATMENT,  
14 CIRCUMSTANCE, CONDUCT, CONDITION, OR OTHER GROUND FOR THE VIOLATION,  
15 THE SECRETARY SHALL PROVIDE WRITTEN NOTICE OF THE VIOLATION AND  
16 RESULTING DISCIPLINARY ACTION TO:

17 (1) A RESIDENT WHO HAS BEEN ADVERSELY AFFECTED BY THE CARE,  
18 TREATMENT, CIRCUMSTANCE, CONDUCT, CONDITION, OR OTHER GROUND FOR THE  
19 VIOLATION, A MEMBER OF THAT RESIDENT'S FAMILY, AND THAT RESIDENT'S LEGAL  
20 REPRESENTATIVE;

21 (2) THE ATTENDING PHYSICIAN FOR A RESIDENT IDENTIFIED IN ITEM  
22 (1) OF THIS SUBSECTION; AND

23 (3) IF THERE IS NO ATTENDING PHYSICIAN, ANY OTHER HEALTH CARE  
24 PROVIDER RESPONSIBLE FOR THE CARE OF THE RESIDENT IDENTIFIED IN ITEM (1)  
25 OF THIS SUBSECTION.

26 (C) A NURSING HOME OR ASSISTED LIVING FACILITY THAT VIOLATES A  
27 PROVISION OF THIS ARTICLE SHALL PAY THE COST OF PROVIDING THE WRITTEN  
28 NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

29 (D) THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS  
30 SECTION SHALL BE PROVIDED:

31 (1) BY THE SECRETARY; OR

32 (2) AT THE DISCRETION OF THE SECRETARY, BY THE NURSING HOME OR  
33 ASSISTED LIVING FACILITY THAT VIOLATED A PROVISION OF THIS ARTICLE.

34 (E) THE WRITTEN NOTICE REQUIRED UNDER THIS SECTION SHALL BE IN A  
35 FORM PRESCRIBED BY THE SECRETARY.

1 (F) THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THIS  
2 SECTION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
4 effect October 1, 2003.